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PTO/SB/21 (08-00)

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TRANSMITTAL FORM

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Total Number of Pages in This Submission

1

Application Number

10/040,058

Filing Date

October 26, 2001

First Named Inventor

Alexander Krymski

Group Art Unit

2878

Examiner Name

Not Yet Assigned

Attorney Docket Number

M4065.0835/P835

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/
Incomplete Application

☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

☐ Assignment Papers
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional
Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication
to Group

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s)
(please identify below)

Response to Election of Species
Requirement (2 pages)

Re-submission of Revocation of
Power of Attorney

Copy of Submission of Revocation
of Power of Attorney...

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual Name

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
Stephen A. Soffen, Reg. No.: 31,063

Signature

Date

December 1, 2003



Docket No.: M4065.00835/P835
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Alexander Krymski, et al.

Application No.: 10/040,058

Confirmation No.: 9431

Filed: October 26, 2001

Art Unit: 2878

For: FRAME SHUTTER FOR CMOS APS

Examiner: Thanh X. Luu

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the election requirement set forth in the Office Action mailed October 31, 2003, Applicant hereby provisionally elects claims 1, 3, 4, 13-15, and 20-22 which are described in the Office Action as belonging to the species of an active pixel sensor having an NMOS frame shutter in a P-well.

The election is made with traverse. Applicant respectfully submits that, given the circumstances of this case, where there is a reasonable number of independent claims it would not be a serious burden to examine all of the claims pending at this time. M.P.E.P. § 803 directs as follows: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits." This directive should be followed in this case.

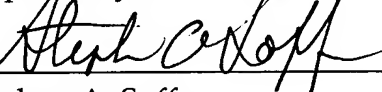
The Office Action states that "[c]urrently, no claims are generic," and has identified two species of the claimed invention, including "I: an active pixel sensor having an NMOS frame shutter in a P-well (claims 1, 3, 4, 13-15 and 20-22)" and "II: an active pixel sensor having a PMOS frame shutter in an N-well (claims 7, 9, 10, 23, and 24)."

Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to all species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

The application is believed to be in immediate form for allowance, therefore an action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Dated: December 1, 2003

Respectfully submitted,

By 

Stephen A. Soffen

Registration No.: 31,063

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